

Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 SS-20 NSC-07 CIAE-00 DODE-00

INR-11 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SP-03 L-03

EB-11 SCSE-00 SCA-01 DRC-01 /122 W
----- 062006

O R 290955Z SEP 74 ZFF4
FM AMEMBASSY LONDON
TO AMEMBASSY NAIROBI NIACT IMMEDIATE
INFO SECSTATE WASHDC 4325
AMEMBASSY ADDIS ABABA
AMEMBASSY PARIS

UNCLAS SECTION 1 OF 3 LONDON 12676

E.O. 11652: N/A
TAGS: PFOR, KE, US, BDIS, CPRS
SUBJECT: SUNDAY TIMES ARTICLE ON SAUL-MILLER RUBY MINE

REF: NAIROBI 8264

1. SUNDAY TIMES SEPTEMBER 29, CARRIES LENGTHY ARTICLE BEGINNING ON TOP OF FRONT PAGE, "EXPLORERS LOSE WORLD'S RICHEST RUBY MINE IN KENYA SCANDAL" REPORTING SEIZURE OF SAUL-MILLER MINE. ARTICLE WRITTEN BY DAVID HOLDEN IN NAIROBI AND PHILIP JACOBSEN IN PARIS. OTTAWA ARTICLE ON SAME SUBJECT CARRIED IN INTERNATIONAL HERALD TRIBUNE FOR SEPTEMBER 28-29. FOLLOWING IS FULL TEXT OF SUNDAY TIMES STORY.

2. BEGIN TEXT:

"A MAJOR ROW INVOLVING SEVERAL TOP MEMBERS OF KENYA'S RULING ESTABLISHMENT AND TWO AMERICAN PROSPECTORS IS THREATENING A SERIOUS RIFT IN KENYAN-AMERICAN RELATIONS, WITH POSSIBLE REPERCUSSIONS IN KENYA'S CURRENT ELECTION CAMPAIGN. THE AFFAIR, WHICH CENTRES ON WHAT IS DESCRIBED AS "THE WORLD'S RICHEST RUBY MINE," HAS BEEN COMMON KNOWLEDGE IN NAIROBI BUSINESS AND DIPLOMATIC CIRCLES FOR THE PAST TWO OR THREE MONTHS, BUT IT HAS REMAINED UNREPORTED UNTIL NOW LARGELY BECAUSE OF THE REFUSAL

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OF KENYAN NEWSPAPERS TO TOUCH IT AND FEAR AMONG THE RESIDENT FOREIGN

PRESS CORPS OF GOVERNMENT REPRISALS AGAINST ANY CORRESPONDENT WHOSE PAPER BREAKS THE STORY.

THE BASIS FACTS, AS STATED BY SEVERAL HIGHLY PLACED DIPLOMATIC AND BUSINESS SOURCES IN NAIROBI LAST WEEK, SEEM TO BE BEYOND DISPUTE. THEY REVEAL AN ASTONISHING STORY OF MAFIA-LIKE BUSINESS DEALS, CORRUPTION AND STRONG-ARM TACTICS IN WHICH A REPUTABLE AMERICAN GEOLOGIST AND HIS PARTNER HAVE BEEN DEPRIVED OF THEIR LEGITIMATE RIGHTS IN A RUBY MINE IN THE TSAVO WEST NATIONAL PARK BY WELL-KNOWN KEYNAN PERSONALITIES WHO WANTED THE LION'S SHARE OF THE PROFITS. THE GEOLOGIST, 37-YEAR-OLD JOHN SAUL, HAD BEEN WORKING IN KENYA FOR 7 1/2 YEARS WHEN HE LOCATED RICH DEPOSITS OF RUBIES LAST YEAR IN THE TSAVO PARK. WITH HIS AMERICAN PARTNER, ELLIOTT "TIM" MILLER, HE FORMED A COMPANY TO EXPLOIT THE DEPOSITS AND IN JANUARY OF THIS YEAR THE TWO WERE GIVEN PERMISSION BY THE MINES AND GEOLOGY DEPARTMENT OF THE KENYA GOVERNMENT TO MINE AND EXPORT RUBIES ON THE SITE UNTIL JULY 1975.

SOON AFTER FORMING THE COMPANY, TAITA INTERNATIONAL LTD, THEY BROUGHT IN SOME ORDINARY KENYAN BUSINESSMEN. LATER, FOR THEIR OWN PROTECTION, THEY ENLISTED TWO SENIOR MEMBERS OF THE GOVERNMENT, THE VICE-PRESIDENT AND INTERIOR MINISTER, DANIEL ARAP MOI, AND THE MINISTER OF TOURISM AND WILDLIFE, MR J.L. SHAKO.

LATER STILL, A THIRD MINISTER, WILLIAM AMAMO, OF MINES AND GEOLOGY WAS ASSOCIATED WITH THE COMPANY. AN AGREEMENT WAS SIGNED GIVING THE KENYANS 51 PER CENT OF ANY PROFITS.

AS THE MINE WAS FURTHER EXPLORED LAST SPRING UNDER THAT PARTNERSHIP, ITS TRUE WEALTH BEGAN TO BE BETTER APPRECIATED-AND BETTER KNOWN. ALTHOUGH ITS RUBIES ARE NOT, APPARENTLY, OF THE HIGHEST CLASS, THEY ARE SAID TO BE PRESENT IN REMARKABLE QUANTITY. ONE ESTIMATE PUTS THE VALUE OF THE KNOWN DEPOSITS AT FIVE MILLION DOLLARS (MORE THAN 2 MILLION POUNDS), WITH MORE STILL TO BE PROVED. UNFORTUNATELY FOR MR SAUL AND MR MILLER, THESE RICHES CAME TO THE ATTENTION OF OTHERS IN THE KENYAN ESTABLISHMENT, INCLUDING THE WIFE OF THE KENYAN AMBASSADOR IN ADDIS ABABA, MRS BETH MUGO, WHO IS A NIECE OF PRESIDENT KENYATTA AND A CLOSE COMPANION-OFTEN REFERRED TO IN NAIROBI AS THE "LADY-IN-WAITING"-OF THE PRESIDENT'S WIFE, MAMA NGINA.

SOME TIME IN APRIL OR MAY, AN APPROACH WAS MADE TO THE ORIGINAL PARTNERS BY A CERTAIN GEORGE CRITICOS, A GREEK BUSINESSMAN WHO MADE MONEY DEALING IN SCRAP METAL AND WEAPONS FROM THE BATTLEFIELDS OF EGYPT'S WESTERN DESERT BEFORE COMING TO KENYA IN THE LATE 1950S

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TO TAKE UP COFFEE FARMING AND SUBSEQUENTLY MOVING INTO SISAL FARMING.

MR CRITICOS, WHO HAS LONGSTANDING CONTACTS WITH PRESIDENT KENYATTA, IS KNOWN IN NAIROBI AS A LONG-ESTABLISHED BUSINESS ASSOCIATE OF MAMA NGINA. HE AND MAMA ARE PARTNERS IN THE KENYA TRADE DEVELOPMENT CO, WHOSE HEAD OFFICE IS IN CRITICOS'S LUXURIOUS HOUSE IN AN EXCLUSIVE NAIROBI SUBURB. IT IS UNDERSTOOD THAT THE PROPOSAL HE CONVEYED WAS THAT THE KENYAN SIDE OF THE PARTNERSHIP

SHOULD BE ENLARGED TO INCLUDE SOME OF HIS ASSOCIATES. INSTEAD OF THE
EXISTING AGREEMENT FOR A 49-51 SPLIT BETWEEN THE TWO AMERICANS
AND THEIR ORIGINAL KENYAN PARTNERS IT WAS ALSO PROPOSED THAT A SUBSTAN-

TIALLY LARGER PERCENTAGE OF THE PROFITS SHOULD THEN GO TO THE
ENLARGED KENYAN REPRESENTATION.

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INR-11 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SP-03 L-03

EB-11 SCA-01 SCSE-00 DRC-01 /122 W

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O R 290955Z SEP 74 ZFF4

FM AMEMBASSY LONDON

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A DAY LATER, 5.20 PM ON JUNE 18, JOHN SAUL WAS SERVED WITH
NOTICE THAT HE WAS A "PROHIBITED IMMIGRANT" ON GROUNDS OF NATIONAL
SECURITY AND GIVEN TWO AND A HALF HOURS TO LEAVE THE COUNTRY. SEVEN
HOURS LATER KENYAN POLICE ESCORTED HIM ABOARD A SCHEDULED FLIGHT TO
EUROPE. HIS FRENCH WIFE, MURIEL-A DENTIST WITH A GOOD PRACTICE
IN NAIROBI-AND THEIR TWO YOUNG SONS, BOTH KENYA CITIZENS, WERE LEFT
BEHIND TO WIND UP AS BEST THEY COULD THE AFFAIRS OF SEVEN YEARS OF
LEGITIMATE ENTERPRISE IN KENYA AND TO FOLLOW HIM SOON AFTER-
WARDS TO PARIS.

IT WAS LEARNED FROM RELIABLE SOURCES LATE LAST NIGHT THAT TIM
MILLER HAS BEEN TOLD BY THE KENYA GOVERNMENT THAT HIS APPLICATION FOR
A WORK PERMIT, WHICH WAS ISSUED IN 1966, "WAS NOT MADE IN ACCORDANCE
WITH KENYA LAW" AND HE HAS BEEN GIVEN UNTIL WEDNESDAY TO LEAVE THE
COUNTRY.

HE HAS BEEN TOLD HE CAN APPLY FOR ANOTHER WORK PERMIT, THOUGH
CONSIDERATION OF THIS APPLICATION COULD TAKE A NUMBER OF MONTHS.

THE LAWYERS ACTING FOR THE PROSPECTORS HAVE ALSO BEEN
THREATNED WITH DEPORTATION.

IN JUNE, MILLER SOUGHT THE INTERVENTION OF THE AMERICAN EMBASSY
AND PREPARED TO TAKE LEGAL ACTION AGAINST THE THREAT OF DEPORTATION.
THE EMBASSY REACTED PROMPTLY. IT HAD ALREADY HAD ONE UNFORTUNATE
EXPERIENCE WITH THE KENYA GOVERNMENT: LAST JANUARY THE AMERICAN
MANAGING DIRECTOR OF ESSO IN NAIROBI, JOHN SKANE, WAS EXPELLED
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AT EQUALLY SHORT NOTICE AFTER THREATENING TO CUT OFF SUPPLIES OF FUEL
TO FARMS OWNED BY PRESIDENT KENYATTA UNLESS OUTSTANDING BILLS
WERE PAID. THE MONEY OWED-AND STILL UNPAID-WAS OF THE ORDER OF
30,000 POUNDS. SINCE THEN A NEW AMBASSADOR, ANTHONY MARSHALL,
HAD ARRIVED, WITH A REPUTATION FOR FORTHRIGHT PROTECTION OF
AMERICAN BUSINESS INTERESTS OVERSEAS.

MR MARSHALL MADE IMMEDIATE VERBAL PROTESTS TO SEVERAL MEMBERS
OF THE KENYA GOVERNMENT, INCLUDING THE FOREIGN MINISTER, NJOROGE
MUNGAI, AND WHEN THESE ELICITED
NO RESPONSE HE FOLLOWED THEM UP A MONTH LATER WITH A STRONG
WRITTEN PROTEST MADE ON INSTRUCTIONS FROM WASHINGTON. LAST
WEEK HE TOLD ME: "WE WERE NOT DENYING THE RIGHT OF THE KENYA
GOVERNMENT TO DEPORT ANYONE, BUT WE WERE OBJECTING TO THE
MANNER IN WHICH IT WAS DONE."

THE EMBASSY HAD A DUTY TO PROTECT THE RIGHTS OF AMERICAN
CITIZENS AND MR SAUL HAD BEEN EXPELLED AT THE SHORTEST POSSIBLE
NOTICE AND WITHOUT ANY WORD TO THE EMBASSY.

MR MARSHALL WAS ALSO CONCERNED, HE SAID, FOR THE WELFARE
OF THE AMERICAN AND, INDEED, OF THE INTERNATIONAL BUSINESS COM-
MUNITY OF KENYA, "I WANT BOTH THE BUSINESSMEN AND THE KENYA
GOVERNMENT TO KNOW THAT WE WILL SUPPORT THEM IN SECURING THE
PROTECTION OF THEIR RIGHTS."

THIRDLY, HE WISHED THE KENYA GOVERNMENT TO KNOW THE POSITION
OF THE UNITED STATES BECAUSE "THE AMERICAN GOVERNMENT AND
I ARE VERY OPTIMISTIC ABOUT THE FUTURE OF OUR RELATIONS AND BUSI-
NESS PROSPECTS HERE."

READING BETWEEN THE DIPLOMATIC LINES, THIS SEEMS A CLEAR
PUBLIC WARNING TO KENYA THAT IT CANNOT EXPECT AMERICAN HELP OR
CO-OPERATION IF IT CONTINUES TO TREAT AMERICAN BUSINESSMEN WITH
SUCH CONTEMPT. YET STILL, UP TO LAST WEEK, THERE WAS NO RESPONSE
FROM THE KENYA GOVERNMENT.

SO FAR, INDEED, MATTERS SEEM TO HAVE GONE FROM BAD TO WORSE.
A MONTH AGO, FOLLOWING REPORTS THAT SAPPHIRES AS WELL AS RUBIES
HAD BEEN FOUND AT THE TSAVO MINE, TIM MILLER WENT TO THE
SITE AND FOUND A WIRE FENCE HAD BEEN ERECTED ALL ROUND IT. AS
HE WAS PHOTOGRAPHING THIS HE WAS APPROACHED BY SEVERAL MEN
WHO ORDERED HIM OFF THE SITE. AT GUNPOINT HE WAS KNOCKED DOWN
AND KICKED IN THE RIBS. "FOR A WHILE," MILLER RECALLED LATER, "I
THOUGHT I WAS GOING TO GET SHOT."

BOTH MR SAUL AND MR MILLER TOOK EXTRAORDINARY CARE WITH THE
DOCUMENTATION NECESSARY FOR THEIR MINING OPERATIONS. UNDER KENYAN

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LAW A MINING CLAIM HAS TO BE LITERALLY STAKED-WOODEN POSTS BEARING ALL THE NECESSARY DETAILS OF LOCATION, CLAIMS CERTIFICATES AND

ANALYSIS OF FINDS ARE ALL CONCRETED INTO THE GROUND AROUND THE AREA OF THE CLAIM. THE TWO AMERICANS REGISTERED THE CLAIMS WITH THE MINES AND GEOGRAPHICAL DEPARTMENT OF THE KENYAN MINISTRY OF NATURAL RESOURCES.

BUT ON JUNE 18, THE DAY MR SAUL WAS DEPORTED, THE HUGE LEATHER-BOUND CLAIMS BOOK KEPT AT THE DEPARTMENT WAS "LOST." ACCORDING TO OFFICIALS THERE. IT CONTAINED DETAILS OF EVERY CLAIM REGISTERED IN KENYA SINCE THE 1930S AND OF COURSE, THE SAUL/MILLER REGISTRATION FOR TSAVO. A NEW CLAIMS BOOK, DATING FROM JUNE 19, WAS OPENED THE FOLLOWING DAY. THE FIRST ENTRY, IN THE NAME OF GEORGE CRITICOS, REGISTERED HIS CLAIM TO THE MINE AT NGANGA.

THE MINE NOW APPEARS TO HAVE BEEN PHYSICALLY TAKEN OVER BY AGENTS OF GEORGE CRITIROS AND AN INJUNCTION HAS BEEN SERVED ON MR CRITICOS BY LAWYERS IN NAIROBI REPRESENTING MR SAUL AND MR MILLER. THE CHIEF AIM OF THE INJUNCTION IS TO COMPEL MR CRITICOS TO STATE IN OPEN COURT THE NAMES OF ALL THE PARTNERS IN THE ENTERPRISE-AND IF POSSIBLE HIS OWN PRINCIPALS-AND THUS TO BRING INTO THE LIGHT OF DAY SOME OF THE BIGGEST NAMES IN KENYA.

THAT, TOO, IS BEING RESISTED UP TO NOW AND TIM MILLER HAS BECOME LITERALLY A HUNTED MAN, WITH THE KENYAN POLICE LOOKING FOR HIM TO SERVE NOTICE THAT HIS VISA IS TO BE WITHDRAWN-IN EFFECT, THAT HE, TOO, IS BEING EXPELLED-HE HAS GONE TO GROUND SOMEWHERE IN THE COUNTRY.

MR SAUL REMAINS IN PARIS, WHERE SUNDAY TIMES REPRESENTATIVES FOUND HIM LAST WEEK, UNWILLING AT THIS STAGE TO SAY ANYTHING ABOUT HIS CASE LEST IT JEOPARDIZE THE LEGAL ACTION NOW IN PROGRESS IN NAIROBI OR THE SAFETY OF HIS PARTNER, MR MILLER.

MR SAUL IS A SLIGHT, BALDING MAN, A GRADUATE OF MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND SON OF A WEALTHY DIRECTOR OF SAKS FIFTH AVENUE, THE NEW YORK DEPARTMENT STORE. HE IS AN EXTREMELY EXPERIENCED PROSPECTOR FOR PRECIOUS METALS AND STONES IN AFRICA AND AN ACKNOWLEDGED EXPERT ON GEMSTONE MINING. HE IS CONVINCED THAT THE TSAVO MINE REPRESENTED THE MOST VALUABLE RUBY FIND EVER MADE.

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EB-11 SCA-01 SCSE-00 DRC-01 /122 W

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FM AMEMBASSY LONDON

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ORIGINALLY, MR SAUL AND MR MILLER HAD INTERESTS IN THREE MINES (NAMED NGANGA, PENNY LANE AND SAUL MINE) IN THE AREA AND HAD STAKED CLAIM TO THEM. THEY REALISED THAT NGANGA WAS THE MOST VALUABLE BY FAR OF THE THREE AND THEREFORE DID NOT RESIST "SUGGESTIONS" FROM THEIR AFRICAN ASSOCIATES THAT THEY GIVE UP THEIR STAKES IN PENNY LANE AND SAUL MINE.

WHAT MAKES THIS EXTRAORDINARY STORY ESPECIALLY SIGNIFICANT NOW IS NOT ONLY THE DAMAGE IT HAS DONE-AND MAY STILL DO- TO KENYAN-AMERICAN RELATIONS BUT ALSO THE WAY IN WHICH, FOR THOSE IN THE KNOW IN NAIROBI, IT SYMBOLISES WHAT ONE DIPLOMAT THERE DESCRIBES AS THE "BLACK MARK IN THE MIDDLE OF THE KENYA PUDDING."

IN ITS 10 YEARS OF INDEPENDENCE, KENYA HAS WON AN ENVIABLE REPUTATION IN AFRICA FOR ITS RAPID ECONOMIC DEVELOPMENT AND COMPARATIVE DEMOCRATIC FREEDOM BASED ON THE STABILITY PROVIDED BY KENYATTA'S RULE AND A WELCOME FOR FOREIGN INVESTMENT. ON THE DAY AFTER MR SAUL'S DEPORTATION, PRESIDENT KENYETTA MADE A RADIO BROADCAST IN SWAHILI AND KIKUYU FROM AN AGRICULTURAL SHOW WHERE SENIOR MEMBERS OF THE KENYAN GOVERNMENT HAD GATHERED FOR A RALLY. KENYETTA ACCUSED "A FOREIGN GEOLOGIST" OF HAVING CHEATED THE KENYAN PEOPLE AND TAKEN UNLAWFUL ADVANTAGE OF THEM TO ACQUIRE PRECIOUS STONES. RADIO LISTENERS THEN HEARD THE PRESIDENT ASK IF MR MOI KNEW WHETHER "THIS MAN"

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WAS OUT OF THE COUNTRY YET. MOI WAS HEARD TO REPLY YES, AND THIS WAS FOLLOWED BY A GREAT BURST OF CHEERING.

THE IDEA OF HOLDING OFFICE WITHOUT PROFIT IS NO MORE COMMON IN MOST OF AFRICA THAN IN, SAY, EIGHTEENTH-CENTURY ENGLAND. BUT IN KENYA THE PROFITEERING HAS, BY ALL ACCOUNTS, BECOME INCREASINGLY EXORBITANT AND MORE CONCENTRATED IN A RELATIVELY FEW HANDS.

SEVERAL FACTORS, HOWEVER, ARE THREATENING TO BRING MATTERS TO A HEAD. ONE IS THE RAPID RISE OF INFLATION, ESPECIALLY SINCE KENYA HAS BECOME ONE OF THE WORST SUFFERERS FROM THE NEW OIL PRICES. ANOTHER FACTOR IS PROBABLY PRESIDENT KENYATTA'S AGE. NOW SOMEWHERE AROUND 82, OR ABOUT THE SAME AGE AS HAILE SELASSIE, HE CANNOT HAVE ALL THAT MUCH LONGER TO GO AND SOME OF HIS ASSOCIATES ARE BELIEVED TO BE ACCUMULATING AS MUCH AS THEY CAN WHILE THEY CAN, AGAINST THE POSSIBILITY OF RAINY DAYS WHEN HE IS GONE.

THEN THERE IS THE JOB PROBLEM FACED BY MANY COUNTRIES WHICH ACHIEVED INDEPENDENCE A DECADE OR TWO AGO. IN THE FIRST FLUSH OF FREEDOM THERE WERE JOBS FOR THE BOYS ALL ROUND, FROM POLITICS AND THE CIVIL SERVICE TO BUSINESS AND THE LAW. BUT MANY OF THE "BOYS" OF THOSE DAYS ARE STILL COMPARATIVELY YOUNG TODAY-AND THREATEN TO BLOCK, FOR YEARS TO COME, THE COMPARABLE ADVANCEMENT OF THE NEW AND MORE NUMEROUS EDUCATED GENERATION OF POST-INDEPENDENCE MEN.

PERHAPS MORE SERIOUS THAN ANY OF THESE, AT LEAST IN ITS POTENTIAL, THERE IS AGAIN A SENSE OF LAND HUNGER IN THE AIR. PARTLY THIS IS BECAUSE OF THE VAST MAJORITY OF THE ONCE WHITE-OWNED FARMS HAVE NOW BEEN PARCELLED OUT AMONG AFRICANS. BUT MUCH MORE IT IS BECAUSE SO MANY OF THE AFRICAN ESTABLISHMENT HAVE ACQUIRED DISPROPORTIONATE LANDHOLDINGS FOR THEMSELVES, EXCITING JEALOUSY AND LOUD COMPLAINTS OF "ABSENTEE LANDLORDS."

MUCH OF THE RESENTMENT INSPIRED BY ALL THIS IS SIMMERING ANONYMOUSLY IN THE CURRENT CAMPAIGN FOR KENYA'S ELECTION ON OCTOBER 14. LAST WEEK AT LEAST TWO ASSISTANT MINISTERS VOICED GENERAL COMPLAINTS OF LAND-

GRABBING OR DISCRIMINATION. "FOR THE SAKE OF THE PRESERVATION OF DEMOCRACY," SAID CHARLES RUBIA, ASSISTANT MINISTER IN THE EDUCATION MINISTRY, "WE MUST FIND A SOLUTION TO THE PROBLEM OF FAIR AND EFFECTIVE DIVISION OF LAND."

IT IS ONLY FAIR TO ADD THAT MR RUBIA HAS BEEN INVOLVED IN SOME ODD GOINGS-ON LATELY, HAVING JUST BEEN FINED 400 POUNDS FOR POSSESSING

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A GUN WITHOUT A LICENCE AND-QUITE INDEPENDENTLY OF THAT-HAVING

BEEN INVOLVED AS WELL IN A SHOOTING AFFRAY IN HIS CONSTITUENCY
ONLY LAST WEEKEND.

BUT AS ONE WESTERN DIPLOMAT REMARKED, "THERE IS A GREAT DEAL
OF KINDLING HERE AND I DON'T KNOW WHAT MATCH WILL LIGHT IT."
NOR DOES ANYONE ELSE, BUT AFTER WHAT HAS JUST HAPPEN TO HAILE
SELASSIE IN ETHIOPIA IT SEEMS TO BE HIGH TIME SOMEBODY IN KENYA
BEGAN TO DAMPEN THE FUSES OF RESENTMENT. "AFTER ALL," SAID
ANOTHER OF MY INFORMANTS LAST WEEK, "KENYANS MAY NOT BE ABLE
TO READ ALL THAT GOES ON IN THEIR OWN COUNTRY, BUT THEY CAN-AND
DO-READ ABOUT WHAT GOES ON NEXT DOOR. THEY JUST MIGHT GET
IDEAS."

IN THIS CONTEXT THE EXTRAORDINARY AFFAIR OF THE TSAVO RUBY
MINE HAS A RESONANCE THAT MAY GO FAR BEYOND THE MISFORTUNES
OF TWO AMERICANS ABROAD"

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, FOREIGN RELATIONS, MINING INDUSTRY, NEWS MEDIA COMMENTS, NEWSPAPERS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LONDON12676
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740274-1137
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974094/aaaaaddi.tel
Line Count: 401
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 8
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: NAIROBI 8264
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 04 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 JUL 2002 by maustmc>; WITHDRAWN <19 JUL 2002 by maustmc, PRIVACY>; RELEASED <04 FEB 2003 by elyme>; APPROVED <05 FEB 2003 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUNDAY TIMES ARTICLE ON SAUL-MILLER RUBY MINE
TAGS: PFOR, BDIS, CPRS, KE, US, SUNDAY TIMES, (SAUL, JOHN), (MILLER)
To: NAIROBI
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005